REMARKS

This Response is intended as a full and complete response to the non-final Office action mailed July 9, 2003. In the Office Action, the Examiner notes that claims 1-23 are pending in the application, and that claims 1-23 are rejected. By this Response, claims 1-23 continue unamended.

In view of the following discussion, the Applicants submit that none of the claims now pending in the application are obvious under the provisions of 35 U.S.C. §103. Thus, Applicants believe that all of the claims are now in condition for allowance.

REJECTION OF CLAIMS UNDER 35 U.S.C. §103(a)

The Examiner rejected claims 1, 2, 4-8, 11-15, and 17-23 as being obvious over Harper et al. (U.S. Patent No. 5,585,858 issued December 17, 1996) ("Harper") in view of Anderson, Jr. et al. (U.S. Patent No. 6,226,794 issued May 1, 2001) ("Anderson"); claims 3, 9, and 16 as being obvious over Harper in view of Anderson and further in view of Reams (U.S. Patent No. 5,907,793 issued May 25, 1999); and claim 10 as being obvious over Harper, Anderson, Reams, and further in view of Terk (U.S. Patent No. 5,815,108 issued September 29, 1998). In addition, the Examiner rejected claims 12 and 14-23 under the same rationale as the rejection of claims 1-6 and 13. The rejections are respectfully traversed.

The Examiner's attention is directed to the fact that Anderson, Jr. et al. was filed on September 16, 1997 and issued on May 1, 2001 after the Applicants' November 16, 2000 filing date. As such, Anderson, Jr. et al. is, at best, a 102(e) type reference. Anderson, Jr. et al. was assigned to the Sarnoff Corporation, Inc. and recorded on September 16, 1997 (reel/frame 8786/0551).

The Applicants' invention is also assigned to the Sarnoff Corporation, Inc., and was recorded on April 23, 2001 (reel/frame 011779/0474).

Thus, the Applicants' invention and Anderson, Jr. et al. were commonly assigned at the time of the Applicants' invention. Since the present application was filed after November 29, 1999, Anderson, Jr. et al. does not preclude patentability under the

provisions of 35 U.S.C. § 103(c), as amended by the American Inventors Protection Act of 1999. See MPEP 2146.

Additionally, Harper alone does not teach or suggest the invention of claims 1, 2, 4-8, 11-15, and 17-23; Harper and Reams, either individually or in any reasonable combination do not teach or suggest the invention of claims 3, 9, and 16; and Harper, Reams, and Terk either individually or in any reasonable combination do not teach or suggest the invention of claim 10. Further, Applicants submit that claims 1-6 and 13 are also not rendered unpatentable by the Examiner's combination of references at least for the same reasons provided above with respect to claims 12 and 14-23.

Therefore, the Applicants submit that claims 1-23 fully satisfy the requirements of 35 U.S.C. § 103 and are patentable thereunder. Accordingly, the Applicants respectfully request the foregoing rejections to claims 1-23 be reconsidered and withdrawn.

CONCLUSION

Thus, Applicants submit that none of the claims presently in the application are obvious under the provisions of 35 U.S.C. § 103. Consequently, Applicants believe that all these claims are presently in condition for allowance. Accordingly, both reconsideration of this application and its swift passage to issue are earnestly solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Kin-Wah Tong, Esq. at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

9/9/03

KIN-WAH TONG, Attorney
Reg. No. 39,400
(732) 530-9404

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue
Suite 100
Shrewsbury, NJ 07702